

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION

IN RE:

B AND B GROUP DEVELOPMENT, LLC

DEBTOR.

Case No. 14-40430

Chapter 11

**BANK OF THE OZARKS' RESPONSE TO THE DEBTOR'S
MOTION TO DISMISS CASE**

Bank of the Ozarks ("Ozarks"), secured creditor herein, hereby responds to the Debtor's Motion to Dismiss Case [Doc. 44].

On October 21, 2014, the Court entered its Order Granting Relief from the Automatic Stay to Ozarks [Doc. 42], which permits Ozarks to complete its state court foreclosure sale of the subject real property.

Ozarks supports the Debtor's Motion to Dismiss, but asks that any order dismissing this case prohibit the Debtor from filing another voluntary petition for six months. Such a prohibition is necessary to prevent the Debtor from disrupting the foreclosure sale and will facilitate the purposes of the stay relief order.

WHEREFORE, Ozarks respectfully requests that any order dismissing this case expressly prohibits the Debtor from filing another voluntary petition for the six months following entry of the dismissal, and for such further relief as the Court deems just and proper.

DATED: October 27, 2014

/s/ Constance L. Young

Constance L. Young (N.C. State Bar No. 16115)

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CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of October, 2014, I electronically filed the foregoing BANK OF THE OZARKS' RESPONSE TO THE DEBTOR'S MOTION TO DISMISS CASE with the Clerk of Court using the CM/ECF system which will send notification of such filing to those individuals registered to receive electronic notifications.

/s/ Constance L. Young